

Application No. 10/525,111
Amendment Dated 11/16/2006
Reply to Office Action of 08/21/2006

Remarks/Arguments:

DETAILED ACTION

Claims 1-10 and 12-14 are pending in the application.

Claims 1-9 and 12-14 are rejected. Claim 10 is objected to.

In response to this office action claims 1, 2, 5, 8 and 10 have been amended. Claim 13 has been cancelled.

Priority

The Applicants acknowledge receipt has been acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The Applicants note that the Examiner has considered the Information Disclosure Statement filed on February 18, 2005 and August 31, 2005.

Specification

The Examiner notes that the abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4) and requests a new abstract of the disclosure, presented on a separate sheet, apart from any other text.

The Applicants enclose an abstract with this amendment complying with the request.

Claim Objections

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 5 has not been further treated on the merits.

In response to this objection the definitions of R^b and R^c from claim 1 have been incorporated into claim 5. Claim 5 now refers to claim 4 only.

Claim 10 is objected to because the nomenclature of the compound of claim 10 appears incorrect. It was also noted by the Examiner that some of the other Examples in the specification have this same issue. Appropriate correction was required.

Applicants have amended the names of the Examples in the specification and in the claims as required. As well as correcting the error identified by the Examiner other errors were also corrected. Applicants submit that the corrections are obvious corrections to the

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names because the structures of the Examples were clearly drawn (correctly) in the application as filed as were the intermediates used to generate the Examples. Applicants submit therefore, that the corrections are correction of obvious errors.

Claim Rejections - 35 USC § 112

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claim 13 has been cancelled to expedite prosecution.

Claims 1-9 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner makes the following comments:

1) In claim 1, under the definition of R⁵, the colon before "III-j : " should be deleted.

Applicants have amended this and corrected another typographical error in the same sentence. Applicants have also corrected this error in the specification where it appears.

2) In claim 1, under the definition of R^{6a} when the R⁶-C-A-N-R⁷ together form a ring, "hydrogen and optionally" should be changed to "hydrogen or optionally,".

Applicants corrected this. Applicants have also corrected this error in the specification where it appears.

3) In claim 2, R⁹ representing an optionally substituted aryl lacks antecedent basis from claim 1.

Applicants have added "optionally substituted" into the definition of R⁹ in claim 1 to be consistent with claim 2. Applicants submit that since "optionally substituted aryl" was already in the definition of R⁹ in claim 2 that this amendment does not add matter.

4) In claim 2, under the definition of R¹⁰, an "and" is needed before "-S(O₀₋₂)R^b".

Applicants have made this amendment. Applicants have also amended claim 5 and the specification where this error appears.

5) In claim 8, the NR^eR^f substituent, under the definition of R², lacks antecedent basis from claim 1.

Applicants have changed "NR^eR^f" in claim 8 to read "NR³R^{3a}" to be consistent with claim 1. A similar amendment has been made in the specification.

6) In claim 13, it is not possible to "treat and prevent".

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Claim 13 has been cancelled as stated above.

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100812-1P US.

Although Applicants believe no excess claim fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100812-1P US.

Respectfully submitted,
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